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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,280	01/25/2007	Anton Oppel	2003P01703WOUS	8244
46726 7590 09/03/2009 BSH HOME APPLIANCES CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 100 BOSCH BOULEVARD NEW BERN, NC 28562				
EXAMINER MERLINO, ALYSON MARIE				
ART UNIT 3673		PAPER NUMBER		
NOTIFICATION DATE 09/03/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

Office Action Summary

Application No.

10/579,280

Applicant(s)

OPPEL ET AL.

Examiner

ALYSON M. MERLINO

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-32, 34-39, 43 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-32, 34-39, 43 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The examiner acknowledges applicant's amendments to claims 22-32, 34-39, the cancellation of claims 1-21, 33, and 40-42, and the addition of new claims 43 and 44 filed 7 May 2009.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the means for selectively blocking resting on the edge of the closing member, the means for selectively blocking not resting on the edge of the closing member, the edge of the closing member, and the bearing surface of the recess of the closing member must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. **Claims 27, 32, 35, and 37 are objected to** because of the following informalities:

- a. In regards to claim 27, line 6, the phrase "a hook" should be changed to "the hook" in accordance with claim 22.
- b. In regards to claim 32, line 2, and claim 35, lines 5 and 6, the phrase "can be" should be changed to "is capable of being" in order to conform to current US practice.
- c. In regards to claim 37, lines 2 and 3, the word "and" should be inserted between the words "first" and "second."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 23-27, 31, and 32 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. **In regards to claim 23**, it is unclear how the locking head of the means for selectively blocking rests on an edge of the closing member when the edge has not

been defined in the closing member with respect to claim 22 and the edge is not clearly defined in the drawings. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

7. **In regards to claim 24**, it is unclear how the locking head is inserted in a recess of a portion of the door or control panel, when it is clear from the specification that the locking head is inserted in a recess 73 in a side wall of the frame and not in a portion of the door or control panel. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

8. **In regards to claim 25**, it is unclear how the means for selectively blocking is located outside the recess of the closing member or does not rest on the edge of the closing member when the edge has not been defined in the closing member with respect to claim 22 and the edge and the location outside of the recess is not clearly defined in the drawings. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

9. **In regards to claim 26**, it is unclear how the means for selectively blocking is moved into the second position when it is clear that the second position is the deactivation of the means for selectively blocking, allowing the movement or operation of the closing member. If applicant is intending to claim that the means for selectively blocking is still engaging the closing member, but just moving down the notches of the locking head, then positions relating to this movement should be set forth in the claim. Furthermore, it is unclear to which "edge" of the closing member applicant is referring;

see rejections above, in regards to the normal force. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

10. **In regards to claim 27**, it is unclear during which position of the device the closing spring is tensioned. Furthermore, it is unclear to which position of the device applicant considers as the "new position." For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

11. **In regards to claim 31**, it is unclear how claim 31 can depend from claim 28 when it is clear that the species recited in claim 31 is the species shown in Figures 10 and 11. It is clear that this species utilizes a separate structure, as discussed in Paragraph 63 of the amended specification. For examination purposes, this claim recites the same species as claim 34 and will be considered dependent upon claim 22 until further clarification from applicant.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. **Claims 22-25, 28-32, 34-39, 43, and 44 are rejected** under 35 U.S.C. 102(b) as being anticipated by Dimberger (DE 196 01 228 A1).

14. All citations regarding text are referencing the computer generated translation provided.

15. **In regards to claim 22**, Dirnberger discloses an electric household appliance (Paragraph 1) including a receptacle (apparent from Paragraph 1) for receiving items to be handled by the electric household appliance, a door 86 permitting access to the receptacle, a door lock (Figure 1) for the door, with the door lock having a frame 10 with an opening (apparent from Figures 5 and 6) for a hook 84, a closing member 12, a closing spring 24 disposed between the closing member and a counter-bearing 26 in the frame, a gripping device 92, with the closing member connected to the gripping device (connected by door 86, Paragraph 45), and means 14, 16 for selectively inhibiting the movement of the closing member (apparent from Figures 1 and 2), with the means for selectively inhibiting the movement of the closing member being selectively positionable between a first position (Figure 2) in which the means for selectively inhibiting the movement of the closing member blocks a respective movement of the closing member (apparent from Figure 2), whereupon the blocked respective movement of the closing member operates as a child safety feature (component 14 is referred to as a safety latch, Paragraph 19) and a second position (Figure 1) in which the means for selectively blocking the movement of the closing member does not block the respective movement of the closing member, whereupon the child safety feature is deactivated (apparent from Figure 2).

16. **In regards to claim 23**, Dirnberger discloses that in the first position with the child safety feature activated, a locking head (portion of component 14 near the indicator of reference character 31, Figure 1) of the means for selectively blocking is

inserted into a recess 32 of the closing member and the movement of the closing member is thereby positively blocked (apparent from Figure 2).

17. **In regards to claim 24**, Dirnberger discloses that the means for selectively blocking movement comprises a locking head (portion of component 14 near the indicator of reference character 31, Figure 1) which, in the first position of the means for selectively blocking with the child safety feature activated, is inserted in a recess (apparent opening in portion 64 to receive the locking head, Figure 1) of a side wall of the frame (apparent from Figure 2) so that as a result of a positive connection between the locking head and the recess, any forces applied to the locking head are transferred to the recess (apparent from Figure 2).

18. **In regards to claim 25**, Dirnberger discloses that when the means for selectively blocking is located in the second position with the child safety feature deactivated, the locking head of the means for selectively blocking is located outside the recess 32 of the closing member and thereby the movement of the closing member is not blocked (apparent from Figure 1).

19. **In regards to claim 28**, Dirnberger discloses that the means for selectively blocking comprises a locking head (portion of component 14 near the indicator of reference character 31, Figure 1) that is fixed to a pivoted shaft 46 by means of a pivoted lever (portion of component 16 between components 14 and 46, Figure 1) so that the locking head of the means for selectively blocking can execute a rotary movement between the first position and the second position (rotary movement of component 16 about pivoted shaft 46, apparent from Figures 1 and 2).

20. **In regards to claim 29**, Dirnberger discloses that the means for selectively blocking includes a restoring lever (portion of component 16 between components 46 and 48, Figure 1) connected to the pivoted shaft and a spring 54 that acts against the restoring lever so as to be capable to apply a restoring moment to the pivoted shaft so that the means for selectively blocking is biased towards the first position to activate the child safety feature (Paragraph 38).

21. **In regards to claim 30**, Dirnberger discloses that the means for selectively blocking comprises an adjusting lever 80 connected to the pivoted shaft (connected by cooperation with component 14, apparent from Figure 2), wherein, a rectangular plate (portion of component 80 touching frame 10, Figure 1) formed on the adjusting lever, with the rectangular plate including a protruding locating lug (end of component 80 positioned near component 14, Figure 1) and a protruding limiting lug (end of plate touching frame 10, Figure 1), and wherein, the plate is elastically deformable (apparent from Paragraph 31 and Figure 1).

22. **In regards to claim 31**, Dirnberger discloses that the door lock comprises a handle (end of component 80 extending outside of the frame 10, Figure 1) within a gripping shell (portion of 10 near adjusting lever 80, Figure 1), wherein a free end (end with handle, Figure 1) of the adjusting lever projects partly over a slot-shaped recess (recess of component 10 surrounding 80, Figure 1) in the gripping shell, wherein a lateral movement of the free end of the adjusting lever will cause pivoting movement of the pivoted shaft that will cause the means for selectively blocking to be moved between the first and the second position (apparent that component 80 is capable of moving the

means for blocking component 14 upward to deactivate the safety feature, and when the component 80 is placed in its position in Figure 1, the component 14 is capable of being activated again to create the child safety feature, therefore, creating pivoting movement of the pivoted shaft, apparent from Figure 1 and Paragraphs 31 and 49).

23. **In regards to claim 32**, Dirnberger discloses that the adjusting lever is capable of being used to fix the means for selectively blocking in the second position for continuous deactivation of the child safety feature (apparent that a user could move the adjusting lever 80 towards component 12 to move component 14 out of engagement with component 12 and hold the lever in that position for a certain amount of time, i.e. fixing it in a continuous deactivation position, apparent from Figure 1).

24. **In regards to claim 34**, Dirnberger discloses that the means for selectively blocking is arranged on an actuating slider 14 in a slider housing 62, 64 and by means of a translational movement of the actuating slider in the slider housing, the means for selectively blocking is capable of being moved between the first position and the second position and conversely (apparent from Figures 1 and 2).

25. **In regards to claim 35**, Dirnberger discloses that the door lock comprises a handle (end of component 80 extending outside of the frame 10, Figure 1) with a gripping shell (portion of 10 near adjusting lever 80, Figure 1), and wherein the means for selectively blocking further comprises an actuating lever 80 formed on the actuating slider (apparent that end of 80 is on the actuating slider, Figure 2), with the actuating lever projecting from a slot (recess of component 10 surrounding 80, Figure 1) in the gripping shell, wherein the actuating slider is capable of being moved with the actuating

lever to move the means for selectively blocking between the first and second positions (apparent that component 80 is capable of moving the means for blocking component 14 upward to deactivate the safety feature, and when the component 80 is placed in its position in Figure 1, the component 14 is capable of being activated again to create the child safety feature, therefore, creating pivoting movement of the pivoted shaft, apparent from Figure 1 and Paragraphs 31 and 49), and the actuating lever is pressed into the first position by a spring 54.

26. **In regards to claim 36**, Dirnberger discloses that the means for selectively blocking includes a locating lug (end of component 80 positioned near component 14, Figure 1) formed on the actuating slider (apparent that end is on the actuating slider, Figure 1), wherein, when the means for selectively blocking is in the second position, the actuating slider engages a recess of the slider housing (apparent opening in portion 64 to receive the locating lug, Figure 1).

27. **In regards to claim 37**, Dirnberger discloses that the movement of the means for selectively blocking between the first and second positions to activate and deactivate the child safety feature (apparent that component 80 is capable of moving the means for blocking component 14 upward to deactivate the safety feature, and when the component 80 is placed in its position in Figure 1, the component 14 is capable of being activated again to create the child safety feature, apparent from Figure 1 and Paragraphs 31 and 49) is capable of being accomplished a top of the door (apparent that components shown in Figure 1 are capable of being located at the top of the door when the door is locked in view of Figure 6) using an actuating element 80.

28. **In regards to claim 38**, Dirnberger discloses that the actuating element is removably mounted on a top of the door (apparent from Figure 1).
29. **In regards to claim 39**, Dirnberger discloses that the actuating element is connected to an actuating shaft 78 on which a cam (portion of 80 between shaft 78 and component 14, Figure 1) is formed, and wherein rotation of the actuating shaft causes the cam to move the means for selectively blocking between the first position and second positions (apparent that component 80 is capable of moving the means for blocking component 14 upward to deactivate the safety feature, and when the component 80 is placed in its position in Figure 1, the component 14 is capable of being activated again to create the child safety feature, apparent from Figure 1 and Paragraphs 31 and 49).
30. **In regards to claim 43**, Dirnberger discloses that the closing spring 24 biases the closing member towards a locked position (apparent from Figure 2).
31. **In regards to claim 44**, Dirnberger discloses that the gripping device is pivotally mounted on the closing member (pivotally mounted on closing member when in the position shown in Figure 6).

Claim Rejections - 35 USC § 103

32. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

33. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

34. **Claims 22 and 27 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Nozomu et al. (US-3799596) in view of Dirnberger (DE 196 01 228 A1).

35. **In regards to claim 22**, Nozomu et al. discloses a device including a receptacle (apparent internal compartment of vehicle) for receiving items to be handled by the device, a door 20 permitting access to the receptacle, a door lock (Figure 1) for the door, with the door lock having a frame 10 with an opening 10c for a hook 11, a closing member 13, a closing spring 15 disposed between the closing member and a counter-bearing (apparent pin portion of frame extending through component 12, Figure 1) in the frame, a gripping device 21, 12, with the closing member connected to the gripping device (apparent from Figure 1), and means 19 for selectively inhibiting the movement of the closing member (apparent from Figures 1 and 4), with the means for selectively inhibiting the movement of the closing member being selectively positionable between a first position (Figure 4) in which the means for selectively inhibiting the movement of the closing member blocks a respective movement of the closing member (apparent from

Figure 4), whereupon the blocked respective movement of the closing member operates as a child safety feature and a second position (Figure 1) in which the means for selectively blocking the movement of the closing member does not block the respective movement of the closing member, whereupon the child safety feature is deactivated (apparent from Figure 1). Nozomu et al. fails to disclose that the device is an electric household appliance. Dimberger teaches an electric household appliance (Paragraph 1) having a receptacle (apparent from Paragraph 1) for receiving items to be handled by the electric household appliance, a door 86 permitting access to the receptacle, and a door lock (Figure 1) for the door. Since specifying that the door lock be used with an electric household device would not hinder the ability of the means to selectively inhibit the movement of the closing member, it would have been obvious to one of ordinary skill in the art at the time the invention was made to specify that the lock be used with an appliance in order to enhance the security of the appliance, and since Nozomu et al. discloses a door lock for a receptacle and associated door.

36. **In regards to claim 27**, Nozomu et al. discloses that the closing spring is tensioned in an open position of the door lock (position shown in shadow in Figure 3), and wherein the gripping device (portion 12) is pressed against a part of the frame (stop portion of frame between reference characters 19 and 13, Figure 3) by the closing spring at a contact point (point of stop, Figure 3) when the door lock is in the open position. Nozomu et al. further discloses that the gripping device has a gripping latch 12 into which the hook is guided on passing through the opening in the frame (apparent from Figure 1) and has a contact surface (inner surface of latch that receives the hook,

Figure 1) onto which the incoming hook presses, thereby causing a movement of the gripping device (movement of component 12, Figure 3), wherein the gripping device is shaped so that it rotates and loses contact with the contact point as the hook presses into the gripping device (movement of component 12 from the position in shadow to the solid-lined position in Figure 3).

37. **Claim 26 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Dirnberger (DE 196 01 228 A1) in view of Devereaux (US-2046612). Dirnberger discloses that the locking head of the means for selectively blocking moves between the first position and the second position in a direction of movement that is substantially perpendicular to the direction of movement of the closing member (apparent from Figures 1 and 2), and wherein the locking head of the means for selectively blocking has a free end (end near indicator of reference character 62, Figure 1) when forces act on the closing member (forces created by hook trying to be forced out of opening 18 of the closing member, apparent from Figure 6), it is apparent that the means for selectively blocking is capable of being forced into the second position if a strong enough force is exerted to overcome the cooperation of the hook with the closing member. Dirnberger fails to disclose that the means for selectively blocking has a conical shape with increasing diameter beginning at the free end of the means. Devereaux teaches a component 14 that has a conical shape (apparent from Figures 3 and 6) with increasing diameter beginning at a free end of the component (apparent from Figures 3 and 6). Since specifying that the means for selectively blocking has a conical shape would not hinder the ability of the means to inhibit the movement of the

closing member, it would have been obvious to one of ordinary skill in the art at the time the invention was made to specify that the means to selectively inhibiting the movement of the closing member has a conical shape since it has been held that a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art.

Response to Arguments

38. Applicant's arguments filed 7 May 2009 have been fully considered but they are not persuasive.

39. In regards to applicant's remarks in sub-section C of Section I, the examiner appreciates applicant's remarks, however, the locking head 74 engaged with a recess on a side wall is not shown in the drawings, and it is clear that the first portion of the locking head 74 engages in the door and the second portion of the locking head engages in the closing member, per the previous paragraphs of applicant's remarks. Furthermore, in regards to the second to the last paragraph of this sub-section, it is clear in the specification that the gripping device is component 20 and component 52 is referred to as the opening lever.

40. In regards to applicant's remarks concerning claim 22 and Dirnberger, as discussed in the rejection, the gripping device is connected by the door, i.e. connected when the hook is engaged with component 12, and furthermore, the claim language does not provide any structure beyond this. Therefore, the rejection is maintained.

41. In regards to applicant's remarks concerning claim 24 and Dimberger, applicant is referred to the rejection above, wherein the locking head is located within a recess of the side wall.

42. In regards to applicant's remarks concerning claim 28 and Dimberger, it is clear that the pivot lever of applicant's device is orated and thus causes translational movement of the locking head with respect to the closing member. This relationship is disclosed by Dimberger, as set forth in the rejection above, and therefore, the rejection is maintained.

43. In regards to applicant's remarks concerning claims 29, 35, and 36, and Dimberger, applicant is referred to the rejection above and Paragraph 38 of the Dimberger computer generated translation in which the spring 54 presses the element 16 against the clockwise direction into the position in accordance with Figure 2. Therefore, the rejection is maintained.

44. The examiner appreciates applicant's amendments to the drawings, specification, and claims, and therefore, the drawing objections set forth in the previous office action are withdrawn. However, not all claimed subject matter is shown in the drawings, and therefore, new drawing objections are set forth above.

45. The examiner appreciates applicant's amendments to the specification, and therefore, the objections to the specification set forth in the previous office action are withdrawn.

46. The examiner appreciates applicant's amendments to claims 22-25, 27, 29-31, 35, and 36, and therefore, the claim objections set forth in the previous office action are withdrawn.

47. The examiner appreciates applicant's amendments to claims 22, 24, 26, 27, 30-36, 38, and 39, and cancellation of claims 40-42, and therefore, the rejections of claims 22-42 under 35 U.S.C. 112, second paragraph, set forth in the previous office action are withdrawn, however, in light of the amendments, rejections of claims 23-27, 31, and 32 under 35 U.S.C. 112, second paragraph, are set forth above.

Conclusion

48. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALYSON M. MERLINO whose telephone number is (571)272-2219. The examiner can normally be reached on Monday through Friday, 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3673

AM
August 31, 2009